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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201125
Party	Defendant Fortrend Group LLC
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Date	11/15/2011
Attachments	Answer.pdf ( 4 pages )(88406 bytes )

**IN THE UNITED PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Application Serial No. 85/160,126: PRIVÉ**

9228-4330 Quebec, Inc.	)	
	)	
Opposer,	)	
	)	Opposition No. 91201125
vs.	)	
	)	
	)	
Fortrend Group LLC,	)	
	)	
Applicant.	)	

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**ANSWER**

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Respondent, Fortrend Group LLC, by its attorney, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, denies said allegations.

2. Applicant admits that it filed a trademark application under Section 1(a) of the Lanham Act on October 25, 2010 to register PRIVÉ (the “Mark”) in International Class 35 for “Retail consignment store services; consignment services, namely, promoting and marketing the goods of others; Online retail consignment services featuring a variety of consumer goods” (the “Services”). Applicant further admits the application was assigned Serial No. 85/160,126 (the “Application”).

3. Applicant admits it had originally claimed first use of the Mark in connection with the Services anywhere at least as early as June 2007. Applicant further admits it originally

claimed first use of the Mark in connection with the Services in interstate commerce as early as June 2007. Applicant further states that on June 28, 2011, it submitted a post publication amendment pursuant to TMEP 1505.01(a) and (b), which amended the first use and first use in interstate commerce dates in the Application to September 30, 2008 (the “Amendment”). The examining attorney accepted the Amendment, and the Application was republished for opposition on October 4, 2011.

4. Applicant admits that an Examiner’s Amendment was issued on February 4, 2011 amending the identification of Services to: “Retail consignment stores featuring clothing, shoes, handbags, jewelry, home goods, bedding and linens, glassware, silverware, and action sports apparel; consignment services, namely, promoting and marketing the goods of others; online retail consignment stores featuring a variety of consumer goods.”

5. Applicant admits the Application was published for Opposition on April 12, 2011.

6. Applicant admits Opposer filed a request for a 30-day extension of time to oppose the Application on May 10, 2011 and that such request was granted on May 10, 2011.

7. Applicant admits Opposer requested a further 60-day extension of time to oppose the Application on June 2, 2011 and such request was granted on June 6, 2011.

8. Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of

Opposition.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition.

Wherefore, Applicant respectfully prays that Opposer's Notice of Opposition be dismissed.

Respectfully submitted,

Date: November 15, 2011

By: /s/ Jason A. Kotzker  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of November 2011, a true and correct copy of the foregoing ANSWER was placed in the U.S. Mail, first class postage prepaid, addressed to:

Jennifer D. Silverman, Esq.  
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